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Attorney for Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS**

GUIHUA BAI	)	<b>CIVIL ACTION NO. 07-0016</b>
	)	
Plaintiff	)	
	)	
v.	)	
	)	
GINTIAN CORPORATION, dba	)	ANSWER TO AMENDED
LIGHT MASSAGE, ZHONG LI and	)	COMPLAINT AND JURY DEMAND
"MR. ZHU"	)	
	)	
Defendant.	)	
	)	
_____	)	

Comes now Gintian Corporation (Gintian"), Zhong Li and Mr. Zhu  
(collectively "Defendants") who answer the amended complaint as follows:

1. Defendants deny ¶¶ 1, 8, 9, 10, 14, 15, 16, 18, 21, 22, 23, 24, 25, 26, 27, 28,  
30, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45, 47, 48, and 49.
2. Defendants admit ¶¶ 2, 3, 4, 5, and 17.

3. With respect to ¶ 4, Defendants deny that anyone other than Gintian was plaintiffs employer.
4. With respect to ¶ 6, defendants deny Mr. Zhu acts as an agent for Zhong Li.
5. With respect to ¶ 11, it is admitted only that plaintiff was employed as a masseuse by Gintian which operated a business known as Light Massage. Defendants deny all other allegations contained in contained in ¶ 11.
6. With respect to ¶ 12, Defendants deny the business was engaged in commerce within the meaning of the FLSA or federal law.
7. With respect to ¶ 13, Defendants deny that plaintiff engaged in commerce within the meaning of the FLSA or federal law in performing her duties as a masseuse.
8. In response to ¶ 19 Defendants admit only that plaintiff was hired as a foreign contract worker pursuant to a contract approved by the Commonwealth Department of Labor in accordance with law. Defendants deny all other allegations contained in ¶ 19.
9. In response to ¶ 20, Defendants admit only that plaintiff was to be paid \$3.05 for each hour that she worked. Defendants deny all other allegations contained in ¶ 20.
10. In response to ¶ 29, Defendants re-allege and incorporate their responses to

¶¶ 1 - 28.

11. In response to ¶ 31, Defendants admit only that Gintian was required to pay plaintiff in accordance with law. Defendants deny all other allegations contained in ¶ 31.
12. In response to ¶ 39, Defendants re-allege and incorporate their responses to ¶¶ 1 - 38.
13. In response to ¶ 40, Defendants deny Mr. Zhu issued a warning of any kind to the employees.
14. In response to ¶ 46, Defendants re-allege and incorporate their responses to ¶¶ 1 - 47.

### **AFFIRMATIVE DEFENSES**

1. The court lacks jurisdiction over all claims.
2. The complaint fails to state a claim for relief.
3. The court must abstain from the Commonwealth law claims
4. The FLSA claims are barred in whole or in part by the statute of limitations
5. The Commonwealth law claims are barred in whole or in part by the statute of limitations.
6. Plaintiff failed to exhaust her administrative remedies prior to bringing her

Commonwealth law claims.

**PRAYER FOR RELIEF**

**WHEREFORE**, Defendants pray for relief as follows:

1. Plaintiff take nothing by her amended complaint;
2. Judgment on all claims be entered in Defendants' favor;
3. Cost of suit including reasonable attorneys fees; and
4. Such other and further relief as the court deems just and proper.

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By: \_\_\_\_\_/s/\_\_\_\_\_  
G. Anthony Long

**JURY DEMAND**

Defendants demand a trial by jury on all claims in this case.

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